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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner: George R. KOCH	Sumit Bhattacharya
COMPANY:	DATE:
USPTO	March 15, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571) 273-8300	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	12553/108
RE:	YOUR REFERENCE NUMBER:
Application No.: 10/817,568	Group Art Unit: 1734

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ CONFIRMATION  
☐ ORIGINAL WILL FOLLOW ☒ ORIGINAL WILL NOT FOLLOW

Notes/Comments: **NOTICE OF APPEAL**

1. Fax Cover Sheet (1)
  2. Fee Transmittal (and one copy) (2)
  3. Notice of Appeal (1)
- Total: (4) pages

**Certificate of Facsimile Transmittal**

I hereby certify that the above referenced correspondence is being transmitted via facsimile under 37 C.F.R. §1.11 to Examiner: George R. KOCH at facsimile number: (571) 273-8300 at the United States Patent and Trademark Office.

Dated: March 15, 2006

A handwritten signature in cursive script that reads 'Barbara Vance'.  
Signature: \_\_\_\_\_  
Barbara Vance

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 500.00

## Complete if Known

Application Number	10/817,568
Filing Date	April 1, 2004
First Named Inventor	Ming Gao YAO
Examiner Name	George R. KOCH
Art Unit	1734
Attorney Docket No.	12553/108

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order
☒ Deposit Account:

Deposit Account Number 11-0600

Deposit Account Name Kenyon &amp; Kenyon LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
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## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(S) 0

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-20 **	=		X	Fee from below 50.00	=	
Independent Claims		-3 **	=		X	200.00	=	
Multiple Dependent					X		=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	380	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(S) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	120	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	685	Utility issue fee (or reissue)	
1502	480	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	780	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	780	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	780	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (S) 500.00

## SUBMITTED BY

Name (Print/Type)

Sumit Bhattacharya

Registration No. (Attorney/Agent)

51,469

Telephone

(408) 975-7500

Signature

Date

March 15, 2006

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent

Attorney Docket No.: 12553/108

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Ming Gao YAO  
SERIAL NO. : 10/817,568  
FILED : April 1, 2004  
FOR : TREATMENT SYSTEM AND METHOD FOR A HEAD  
GIMBAL ASSEMBLY STATIC ALTITUDE CONTROL  
GROUP ART UNIT : 1734  
EXAMINER : George R. KOCH

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**VIA FACSIMILE**

M/S: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office via facsimile number: (571) 273-8300 or deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on	
Dated: March 15, 2006	Signature: <u>Barbara Vance</u> Barbara Vance

**NOTICE OF APPEAL**

Dear Sir:

Rejected claims 1-7 and 12-19, in the decision of the Examiner dated December 15, 2005, are hereby appealed to the Board of Patent Appeals and Interferences. Please charge payment of the appeal fee of \$500.00 to Deposit Account No. 11-0600.

The Commissioner is hereby authorized to charge payment of any additional fees and/or patent application processing fees required under 37 C.F.R. §1.16 and §1.17 or credit any overpayment to Deposit Account No. 11-0600.

03/16/2006 HTECKLU1 00000093 110600 10817568

01 FC:1401 500.00 DA

Dated: March 15, 2006

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Respectfully submitted,

KENYON &amp; KENYON LLP

By: Sumit Bhattacharya  
Sumit Bhattacharya  
(Reg. No. 51,469)